IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 1864 OF 2006

Ms. Jayshree Thakkar (Kotak)] .. Petitioner

Versus

1. The President/Secretary, Anjuman Tanzimul Muslameen & 3 ors.] .. Respondents

Mr. A.N. Maniyar for the petitioner.

Mr. S.M. Kazi for the respondents No.1 and 2.

Mr. P.G. Sawant, AGP, for respondents No.3 and 4.

CORAM: R.M. LODHA, &
SMT. NISHITA MHATRE, JJ.

DATED: 10TH JANUARY, 2007

P.C. :

. We heard Mr. A.N. Maniyar, the counsel for the petitioner and perused the Writ Petition and the documents annexed thereto.

2. By this Writ Petition, the petitioner claims salary for the period from 1st May, 1999 upto 13th July, 2000. The claim cannot be entertained in extra ordinary jurisdiction for more than one reason. First, it is admitted position that the appointment of the petitioner was not approved by the Education Department. In this

view of the matter even if the respondent institution viz. Marol Urdu High School and Mapkhan Junior College of Arts & Commerce was hundred percent Government aided School, the Government was not liable to pay any salary of the petitioner as her appointment was not approved. The only claim in the circumstances could be against the concerned college and for that the petitioner ought to have pursued appropriate remedy by way of civil suit. Secondly, the claim of salary is for the period from 1st May, 1999 to 13th July, 2000 and for that claim, the Writ Petition has been filed in the year 2006. The salary becomes due every month and if it was not paid to the petitioner in time, cause of action accrued to the petitioner. It is no explanation that it was only in response to the notice that on 4th February, 2006, the Advocate for the petitioner was intimated that claim of the petitioner cannot be accepted. Such reply does not explain the long delay of six years.

3. No case for invocation of Writ jurisdiction is made out. Dismissed in limine.

Sd/-
[R.M. LODHA, J.]

Sd/-

[SMT. NISHITA MHATRE, J.]